Supreme Court of the United States.

OCTOBER TERM, 1903.

No. 383.

THE UNITED STATES EX RELATIONE CHARLES P. STEINMETZ, PLAINTIFF IN ERROR AND PETITIONER,

vs.

FREDERICK I. ALLEN, COMMISSIONER OF PATENTS, DEFENDANT IN ERROR.

Brief for Plaintiff in Error and Petitioner.

The facts upon which this petition is based are set forth at length in the petition itself.

The reason for this petition is that there is doubt as to whether the proper procedure for a review of the case by this court is by error, as in case No. 383, now pending in this court, or by certiorari proceedings, the propriety of error proceedings depending upon the question, usually a close one, whether the validity or merely the construction of an authority exercised under the United States is involved.

A petition similar to this was filed by the Government,

and granted, in Henry C. Payne, Postmaster General, plaintiff in error and petitioner, *vs.* The United States on the relation of The National Railway Publication Company, No. 628, October Term, 1902.

FREDERIC H. BETTS,
MELVILLE CHURCH,
For the Plaintiff in Error and Petitioner.

DECEMBER 16, 1903.